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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,058

09/05/2003

Jonathan DeLine

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EXAMINER

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ART UNIT

PAPER NUMBER

2617

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,058

Applicant(s)

DELINE, JONATHAN

Examiner

Khai M. Nguyen

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 7/12/2006 have been fully considered but they not persuasive.

Regarding the Lai and Stenman references, applicant states that Lai does not teach a remote control having a speaker for outputting audio signals to be transmitted to the mobile phone.

In contrast to applicant's assertions, the examiner directs the applicant to Lai et al. (U.S.Pub-20030003907). Lai et al. (U.S.Pub-20030003907) and Stenman et al. (U.S.Pat-6223029) clear disclose a remote control having a speaker for outputting audio signals to be transmitted to the mobile phone (see Lai, paragraph 0002, 0040, the headset (remote control) generally includes an earpiece linking to a microphone or a built-in speaker for users to have conversations without holding the mobile phone).

Regarding the Lai and Stenman references, applicant states that Lai does not teach the remote control device transmit the data signal received from the mobile phone to a peripheral device.

In contrast to applicant's assertions, the examiner directs the applicant to Lai et al. (U.S.Pub-20030003907). Lai et al. (U.S.Pub-20030003907) and Stenman et al. (U.S.Pat-6223029) clear disclose the remote control device transmit the data signal received from the mobile phone to a peripheral device (see Stenman, fig.3, PLMN 270, mobile phone 240, peripheral devices 210, 220, col.6, lines 17-47, the local interface modules 241 also enable communications between peripheral devices 210, 220. The

wireless headset 220 is operable either as a wireless extension to the mobile station 240 via a first local radio communication link 310 or as a hands-free phone unit for communication over the PSTN 260 via a second local radio communication link 320. A third local radio communication link 330 is selectably established between the mobile station 240 and the radio-enhanced phone interfacing device 210 whereby the mobile station 240 is selectably operable as a hands-on phone unit associated with the radio-enhanced phone interfacing device 210 to place a call over the PSTN 260).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 9-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Lai et al. (U.S.Pub-20030003907) in view of Stenman et al. (U.S.Pat-6223029).

Regarding claim 1, Lai teaches a remote control device (RCD) (fig.1, element 40) comprising:

a second wireless interface for communicating with a mobile phone (fig.1, abstract, paragraph 0030-0031);

a speaker for outputting audio signals received from the mobile phone (abstract, paragraph 0040); a microphone for receiving audio signals to be transmitted to the mobile phone (abstract, paragraph 0040); and

a processor for processing wireless signals communicated between the RCD and the mobile phone (fig.1, abstract, paragraph 0030-0031), wherein the RCD:

receives a signal from the mobile phone in response to the mobile phone receiving a wireless signal from a digital cellular network (DCN) wherein the signal received by the RCD from the mobile phone is a data signal selected from the group consisting of a text data signal, an audio data signal, a video data signal, and any combination thereof (paragraph 0037-0038, 0043-0044).

Lai fails to specifically disclose a first wireless interface for controlling one or more peripheral devices; and transmitting the data signal received from the mobile phone to one of the one or more peripheral devices to be output. However, Stenman teaches a first wireless interface for controlling one or more peripheral devices (col.3, lines 21-41); and transmitting the data signal received from the mobile phone to one of the one or more peripheral devices to be output (fig.3, PLMN 270, mobile phone 240, peripheral devices 210, 220, abstract, col.6, lines 17-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a first wireless interface for controlling one or more peripheral devices; and transmitting the data signal received from the mobile phone to one of the one or more peripheral devices to be output as taught by Stenman with Lai teaching in order to provides a mobile phone have both mobile telephony and remote control functions.

Regarding claim 2, Lai and Stenman further teaches the RCD of claim 1 wherein the signal received by the RCD from the mobile phone is an audio signal used for establishing a telephone call (see Lai, paragraph 0037-0038, 0043-0044).

Regarding claim 3, Lai and Stenman further teaches the RCD of claim 2 wherein processing the received signal from the mobile phone comprises using the RCD to connect to a telephone call received by the mobile phone (see Lai, paragraph 0037-0038, 0043-0044).

Regarding claim 4, Lai and Stenman further teaches the RCD of claim 3 wherein the RCD transmits the audio signal received from the mobile phone to one of the one or more peripheral devices to be audibly output (see Stenman, col.6, line 65 to col.7, line 24).

Regarding claim 9, Lai teaches a remote control device (RCD) communicable with a mobile phone and one or more peripheral devices (abstract), the RCD comprising:

means for controlling the mobile phone (paragraph 0037-0038, 0043-0044) to:

process signals received from the mobile phone, wherein the signal received by the RCD from the mobile phone is a data signal selected from the group consisting of a text data signal, an audio data signal, a video data signal, and any combination thereof (paragraph 0037-0038, 0043-0044); and

output signals received from the mobile phone (paragraph 0037-0038, 0043-0044);

handle an incoming telephone call received by the mobile phone from a digital cellular network (DCN) (paragraph 0037-0038, 0043-0044); and

Lai fails to specifically disclose means for controlling the one or more peripheral devices such that signals received from the mobile phone can be transmitted to the one or more peripheral devices. However, Stenman teaches means for controlling the one or more peripheral devices such that signals received from the mobile phone can be transmitted to the one or more peripheral devices (fig.3, PLMN 270, mobile phone 240, peripheral devices 210, 220, abstract, col.6, lines 17-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use means for controlling the one or more peripheral devices such that signals received from the mobile phone can be transmitted to the one or more peripheral devices as taught by Stenman with Lai teaching in order to provides a mobile phone have both mobile telephony and remote control functions.

Regarding claim 10, Lai and Stenman further teaches the RCD of claim 9 further comprising: processing means for processing signals received from the mobile phone; a speaker for outputting audio signals received from the mobile phone (see Lai, paragraph 0043-0044); and a microphone for inputting audio signals to be sent to the mobile phone (see Lai, paragraph 0037-0038, 0043-0044).

Regarding claim 11, Lai and Stenman further teaches the RCD of claim 10 wherein the remote control device further comprises a user interface to control the output of data received from the mobile phone (see Lai, paragraph 0037-0038, 0043-0044).

Regarding claim 12, Lai and Stenman further teaches the RCD of claim 11 wherein the remote control device further comprises a video display to display video or text data received from the mobile phone (see Lai, paragraph 0037-0038, 0040-0044).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

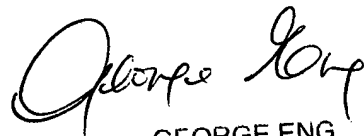
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen
Au: 2617

9/12/2006


GEORGE ENG
SUPERVISORY PATENT EXAMINER